

REMARKS

A previous Notice of Allowance was withdrawn on August 2, 2005. In an Office Action mailed August 27, 2007, the Examiner in charge of the application rejected pending Claims 48-53 under 35 U.S.C. §102(b) for alleged anticipation by Parke et al. (1973). Applicants respond to the rejection below and respectfully request reconsideration of the merits of this patent application.

Parke et al. disclose feeding NDGA to rats and observing effects of the administered compound on rat hepatic microsomal enzymes. Parke et al. measured microsomal protein in the liver, liver weight, and body weight, but Parke et al. did not evaluate total percentage body fat and did not observe any effect of NDGA on body fat percentage.

Accordingly, one cannot fairly conclude that a skilled artisan would appreciate from Parke et al. that NDGA has a body fat controlling effect upon a rat or upon any other animal.

To clarify this aspect of applicants' invention, independent Claim 48 is amended to recite that the animal in which body fat is controlled has a total body fat percentage and that after administration of the recited lipoxxygenase inhibitor, the total body fat percentage is determined and is no higher than the percentage before administration.

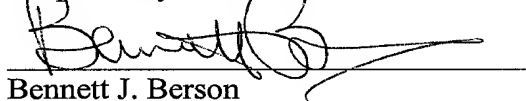
Support for the amendment is found in paragraph [0017] of the application as filed.

Amendments to Claims 49 and 53 clarify that the method steps there recited are embodiments of the administering step of independent Claim 48 rather than additional steps.

Each issue raised by the Examiner is believed addressed by the amendments and arguments. Reconsideration is respectfully requested. As the claims are believed to be in condition for allowance, a notice of allowance is respectfully requested.

A petition for an extension of time for one month accompanies this response so the response will be deemed to have been timely filed. No other extension of time is believed due. However, should an extension of time be due in this or any other response, please consider this to be a petition for the appropriate extension of time and a request to charge the extension fee to Deposit Account No. 17-0055. No other fee is believed due. However, should any other fee be due in this or any other response, please consider this to be a request to charge the fee to the same deposit account.

Respectfully submitted,



Bennett J. Berson
Reg. No. 37,094
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701-2113

TEL (608) 251-5000
FAX (608) 251-9166